



Town Council Meeting Minutes

Thursday January 22, 2015, at 7:00 PM, in the Matthew Thornton Room

Vice Chairman Mahon called the meeting of the Town Council to order at 7:00 p.m. Present at the meeting were Councilor Boyd, Councilor Dwyer, Councilor Koenig, Councilor Rothhaus, Councilor Woods, Town Manager Eileen Cabanel, and Assistant Town Manager/Finance Director Paul Micali. Councilor Harrington was excused.

Pledge of Allegiance

Vice Chairman Mahon led in the Pledge of Allegiance.

Announcements

A budget meeting will be held on Monday, January 26th at 6:00 p.m. in the Matthew Thornton Room. The next regular meeting of the Town Council will be held on Thursday, February 12th at 7:00 p.m. in the Matthew Thornton Room. The Public Hearing on the FY16 proposed budget will also be conducted on Thursday, February 12th.

Comments from the Press and Public - None

Recognitions, Resignations and Retirements - None

Appointments

1. Merrimack Citizens for Pipeline Information

Submitted by Jody Vaillancourt, Deb Huffman and Amanda Yonkin

Data and info sharing with the Town Council.

Debra Huffman, 60 Amherst Road

Ms. Huffman provided a PowerPoint presentation on the Tennessee Gas Pipeline Northeast Energy Direct (NED) Natural Gas Pipeline project (video can be viewed [here](#)). The project proposes a pipeline to carry natural gas from the Marcellus Shale Fields in Pennsylvania, through New York, through a small portion of Massachusetts, into New Hampshire (across 17 communities), and back down to Dracut, MA. A map was provided highlighting the proposed route, which crosses through Merrimack.

Tennessee Gas Pipeline Company, LLC is a subsidiary of Kinder Morgan. No federal or governmental body has proposed or approved this project. It is a Kinder Morgan project, a private company. It is not a project requested by the Governors, which some have suggested because six New England Governors put together a proposal about energy. This specific pipeline was not something the Governors requested.

A map was provided identifying the current proposed route. Ms. Huffman noted the route of the project has changed many times over the past year. The current proposed route enters Merrimack from Amherst in the area of Peaslee Road, goes through the Horse Hill Nature Preserve (HHNP), crosses Naticook Road and Naticook Brook, goes under Continental Boulevard, through the Camp Sargent Road neighborhood, then goes next to the mall, behind the Whittier neighborhood, under the F.E. Everett Turnpike, crosses and goes under the Daniel Webster Highway right next to Anheuser Busch, and then exits Merrimack by going under the Merrimack River.

1
2 Ms. Huffman noted the phrase Potential Impact Area is intended to describe footage. For a 36" 1400
3 PSI pipe, the Potential Impact Area is 1,870'.

4
5 The question has been raised of whether or not the proposed pipeline would be under existing power
6 lines. It will not. They cannot put a pipeline like this under power lines. Kinder Morgan has identified
7 the width of the existing right-of-way to be used during the operation as zero.

8
9 With respect to the area to be cleared during construction, Ms. Huffman stated they have seen 100'
10 referred to in Kinder Morgan documents and have heard 150'. At project completion, what will remain
11 is the 50' permanent corridor, which will be void of trees, etc.

12
13 The question has been asked if the proposed project is different from existing pipelines. Existing lines
14 are distribution lines (typically 12"). Being proposed is a 36" transmission line (industrial installation).
15 Such an installation requires a compressor station (New Ipswich), metering stations (Amherst), Pigging
16 facilities (2 in NH), and main line valves as well as blow down valves. Main line valves, in rural areas,
17 can be as far apart as 10 miles. Should there be an explosion and the need to shut down the gas, they
18 need to shut down the main line valve. In between those are blow down valves. After shutting down the
19 main valve there is the need to blow off the gas that is feeding the fire. Those are what will be seen the
20 most across New Hampshire (approx. 7).

21
22 Ms. Huffman remarked natural gas is used for heating. Residential and commercial users always get
23 first priority for the gas in the pipeline. That is by regulation. There is never a shortage for heating.
24 The other use is electricity. Currently 29% of New Hampshire's electricity is generated using natural
25 gas. Seventy one percent is generated using other energy sources, e.g., 56% is nuclear. With or without
26 natural gas, 71% of our electricity is still crank and electrons.

27
28 With regard to whether or not electric generators need more gas, Ms. Huffman remarked for the most
29 part, New Hampshire produces an excess of electricity, and annually sells 75 trillion BTUs per year. We
30 have ample electricity. Vice Chairman Mahon noted electricity is MBTUs. Ms. Huffman agreed it is
31 heating that is BTUs. She restated New Hampshire sells 75 trillion units per year.

32
33 A graph displayed depicting hourly natural gas demand versus natural gas supply capacities (for the
34 29% of electricity that is generated by natural gas) for 2013 identified there is ample capacity. In a
35 period like there was in 2013, there comes a point where heating demand is increased (residential
36 customers arriving home at the end of the workday and in good numbers turning up the heat, which gets
37 first priority), and the majority of the gas in the pipeline can be used up. During those hours the
38 electricity generators use an alternate fuel, e.g., oil or liquefied natural gas (LNG). Ms. Huffman
39 remarked when hearing the phrase pipeline constraint, understand this small period of time (hours) is
40 pipeline constraint.

41
42 With regard to the question of will we need more in the future, Ms. Huffman stated the chart from the
43 New Hampshire Office of Energy and Planning identifies New Hampshire will not need more natural
44 gas to fuel our electric generators in the coming decades. It also shows the use of less coal, and
45 increased use of hydro, biomass, wind, etc. The biggest difference is energy efficiency. We are not
46 losing population or economic development, the need is going down because we are being more
47 efficient.

1 Commenting on financial benefit, Ms. Huffman stated NED has proposed to carry up to 2.2 billion cubic
2 feet/day. The whole of New England uses a total of 3.4 billion cubic feet/day. The proposal would
3 increase us by 2.2 billion cubic feet/day. Growth projections indicate we need, at most, a .6 billion
4 cubic feet/day. Where will that gas go if we don't need it? The pipeline that goes from Dracut up to
5 Canada used to bring gas down to Massachusetts. The owners of that pipeline have applied to make it
6 go north instead. This is now going to be an export pipeline; taking gas away from Dracut and up to the
7 export facilities in Canada. That is a fact. Whether or not NED's gas be part of that she is unsure.

8
9 When big companies like Alcoa and Dow looked at what is happening with big pipelines potentially
10 exporting our gas they got scared for America's economic future, and formed America's Energy
11 Advantage to fight increased exports of natural gas.

12
13 Councilor Koenig spoke of the statement quoted from the New Hampshire Office of Energy and
14 Planning that the use of natural gas will decrease; however, the current slide states use will increase in
15 New England. He asked for clarification. Ms. Huffman responded Massachusetts is more dependent on
16 natural gas than New Hampshire is. She included the regional information because the Federal Energy
17 Regulatory Commission (FERC) is interested in the region. She remarked although New Hampshire, as
18 a state, depends on nuclear, we have made different choices than Massachusetts. Councilor Koenig
19 remarked we cannot depend on nuclear forever, and he is surprised that they don't show any change for
20 the coming years. Ms. Huffman stated Seabrook is not scheduled to be decommissioned. Councilor
21 Koenig stated it will be. Vice Chairman Mahon stated Yankee is. Ms. Huffman responded the
22 Department of Energy and Planning are the professionals on this, and they don't see Seabrook closing.

23
24 Vice Chairman Mahon remarked it sounded as if the argument was being made for the case against the
25 pipeline, which he believed not to be the intent of the presentation. Ms. Huffman apologized and stated
26 her intent was to provide facts. Her goal had been to obtain charts to help identify whether or not it is
27 needed and/or the best plan for the future.

28
29 With regard to the question of whether NED will lower electricity bills, Ms. Huffman commented we
30 cannot say. She provided a chart identifying the amount of natural gas that was used in 2001 and the
31 amount used in 2010. The question is have our bills gone down. In theory they were supposed to,
32 which is why we went to natural gas. The State is getting more and more dependent on natural gas. Ms.
33 Huffman commented that scares her a little as there are worst case scenarios; what if the Federal
34 Government dictates we have to stop using all fossil fuels and we are committed more and more to
35 natural gas, what if they ban fracking in Pennsylvania like they did in New York? These are the
36 pipelines we would be getting it from then. These are things we need to think about as a State; if this is
37 truly in our best interest long term.

38
39 Will the Town get tax revenue? Kinder Morgan's documentation states it would be about \$450,000 that
40 would be paid in taxes when the pipeline is fully utilized. There will be property values of adjacent
41 homes that will have to come down. There is the need to determine the net benefit. Ms. Huffman stated
42 she tried to research this, and could not locate much information.

43
44 Are there better options? Solution #1 is using LNG for peak hours. Solution #2 would be expansion of
45 the existing pipelines; something that is already being proposed/considered. Current proposals use an
46 existing pipeline footprint. Solution #3 is to stick with the long-term strategy; the 10-year State of
47 Energy Strategy just produced in September of 2014 from the New Hampshire Office of Energy &
48 Planning. They say we can use natural gas, but there are other pipelines already proposed. Their big
49 focus is market reform and grid modernization.

1
2
3 Jody Vaillancourt, 35 Greenleaf Street
4

5 Stated concerns raised by citizens include issues related to the water supply. The major concern is the
6 close proximity the proposed route has to three of Merrimack's major wellheads. One is in the
7 maximum blasting zone. She stated her understanding the Merrimack Village District (MVD) has had
8 conversations over the past several months regarding this pipeline, and her belief there is a meeting
9 coming up on January 26th at 4:00 p.m. She stated her hope this issue will continue to be discussed,
10 although noting 4:00 p.m. is a difficult time for a lot of people.

11
12 She remarked the Naticook Brook aquifer is Merrimack's most important groundwater source,
13 supplying over half of Merrimack's total drinking water, and that is all in the area the pipeline is
14 proposed to go through.

15
16 Ms. Vaillancourt remarked there has been a good deal of discussion around whether or not it is safe.
17 People have issues with all kinds of different utility easements. The thing very concerning to a lot of
18 people about the natural gas pipeline is the possibility of explosion. There is an added risk of cold
19 weather, e.g., frost heaves, loads on pipelines due to snow and ice accumulation, and other thermal
20 stresses due to extreme cold temperatures.

21
22 Ms. Vaillancourt remarked property owners are concerned with the potential for eminent domain. A lot
23 of people have asked how a private company can take property through eminent domain. It would not
24 be the private company; it would be FERC granting permission. If FERC approved this, it is possible
25 they could take your property through eminent domain. Easements is another issue of concern. If an
26 easement on your property there would be associated restrictions. Decreased property values seem to be
27 one of the biggest concerns. A letter was obtained, which was written by an attorney in Massachusetts.
28 The letter stated his exception to one of the Massachusetts Town Assessors who said there would be no
29 property devaluation. Ms. Vaillancourt stated she also heard that statement made out loud at the Milford
30 Board of Selectmen meeting by Kinder Morgan. She fails to see how that is possible.

31
32 Ms. Vaillancourt remarked there have been a lot of concerns with homeowners insurance and
33 mortgages. One of the big issues is there really isn't a definitive black and white answer. Being in the
34 insurance industry she is concerned about how this will impact homeowners insurance. She has spoken
35 with a few insurance agents. On a normal HO3 policy, explosion is a covered peril, but the fine print is
36 what has caused the explosion isn't necessarily going to be covered. She suggested when people ask
37 their agents and are informed they are covered, the agent is of the belief it is a distribution line with a
38 normal residential hookup. She encouraged people, if speaking to insurance agents, to make it clear it is
39 a transmission line, which is very different from a distribution line.

40
41 She commented she does not know that we will know the answer to what would happen in the instance
42 of an explosion unless this goes through and there is a claim, which could result in the need for case law
43 to be established.

44
45 She added she has heard concern around mortgages, and she is not sure if that concern is valid, but she
46 does have information that was put out that some were considering a provision in Fannie Mae and
47 Freddie Mac mortgage agreements that include sections that prohibit properties from storage or release
48 of hazardous substances on the property in question or to transfer part of a property or a beneficial
49 interest without prior permission of the lender.

1
2 Concern has been expressed for well water and foundations with regard to construction. Removal of
3 power line buffer zones is a concern in the instance a new corridor is cut (there would be removal of
4 trees and vegetation). There is also concern with the HHNP with regard to wetlands, endangered
5 species, etc. Ms. Vaillancourt stated she is seeking information about vegetation management
6 (herbicides). When the question was raised at the Milford meeting Kinder Morgan stated they do not
7 use herbicides, they mow.

8
9 Ms. Vaillancourt stated in 2002 the townspeople voted to purchase the HHNP, which cost in the area of
10 \$4.2 million. She spoke of the investment that has been put into the HHNP, and its importance to the
11 Town.

12
13 She summarized the pros and cons presented with regard to the proposed project. She stated the Town
14 may get \$450,000 or some amount in property tax revenue, but property values will decrease in Town
15 because those homeowners will definitely be filing for abatement. Another point to be noted is when the
16 mall was build it added to the valuation of the Town, and without adding school children into our district
17 the Town lost adequacy aide (school district). She stated they had heard it is possible the Town won't
18 receive the fuel tax value from the pipeline company if the pipeline isn't running to capacity. They have
19 also heard once the pipeline is installed it is considered infrastructure and would be expected to
20 depreciation, which would lead to them filing for abatement.

21
22 Questions for the Town Council include whether or not a task force would be formed to research how
23 the Town might be impacted by the pipeline, if the Town Council or staff is developing a
24 communication plan to ensure residents and businesses are aware of the pipeline and how it might affect
25 the Town, and whether the Town Council is planning to send a letter to FERC to express a formal stance
26 regarding the project.

27
28 Ms. Vaillancourt respectfully requested the Council allow the PowerPoint presentation to be linked to
29 the Town's website.

30
31 Councilor Dwyer noted the mall was appraised at \$90 million, and the Town is taking in roughly \$2.1
32 million year in taxes. Vice Chairman Mahon added 74% of that goes to the School District.

33
34 Councilor Rothhaus commented his greatest concern with the project, at this time, is the issue of
35 eminent domain. He remarked he is aware nuclear power plants have a lifetime; however, is unclear on
36 what that is for Seabrook or Yankee. He commented more energy out on the market isn't necessarily a
37 bad thing because if in fact Asia buys loads of natural gas at greater prices it will leave other fuels
38 available that will help the cost stabilize. He commented with those things it is too up in the air for him
39 to really understand. However, with regard to eminent domain he does not trust the gas company. He
40 stated he does not believe Pennsylvania will stop fracking. He commented his wife's family owns
41 property there and were treated poorly by the gas company on the taking of a piece of their property.
42 That is his concern for Merrimack.

43
44 He commented he is unsure why the route was moved out of Massachusetts, perhaps they thought they
45 would have an easier time coming through New Hampshire; however, the more direct route would be
46 through Massachusetts. He stated his appreciation for the individuals' time, and remarked there is a lot
47 to learn.
48

1 Ms. Huffman stated a lot is open to debate, e.g., whether the nuclear plant will shut down, etc. She
2 remarked she does not believe there to be a definite black and white answer to a lot of this, but one of
3 the things they have heard from those in support of the pipeline is that they think we will be able to tap
4 into it and that it will reduce energy costs. That is not necessarily the case. We are definitely not going
5 to be able, in the near future, to tap into the transmission line and there is no guarantee that it will lower
6 energy costs.

7
8 Vice Chairman Mahon stated they would be subject to the regulations and rules of the Federal
9 Government for eminent domain. Councilor Rothhaus remarked it is a negotiable conversation that
10 takes place, and they absolutely take advantage of people. Their goal is to not pay out and to maximize
11 their profits. He reiterated that is where his concern is. He is not fearful the lines will blow up or that
12 our water is going to be polluted, it is the eminent domain process that concerns him.

13
14 Councilor Boyd stated the Natural Gas Act 15 U.S. Code § 717 is the law that gives the jurisdiction to
15 FERC. FERC is not responsible for eminent domain proceedings. They are responsible for two things;
16 issuing the Certificate of Public Convenience and Necessity, which gives pipeline companies the right to
17 go in and build the pipeline and they have jurisdiction over LNG. They have no jurisdiction over the
18 piping sightlines.

19
20 Councilor Boyd stated it is a two-year process. If everything in the pre-application/application process
21 goes through and Kinder Morgan receives their Certificate of Public Necessity to build a pipeline, to
22 condemn property they would have to go to U.S. District Court. There are three prongs they have to
23 prove; they have to have that certificate in hand, they have to prove that the land meets the necessity to
24 sight the pipeline, and they have to demonstrate that they were unable to reach an agreement with the
25 landowner. Those three things have to come together before there is a condemnation proceeding at the
26 Federal Court. There is a process in place. They will not go in and take people's property.

27
28 Ms. Huffman questioned if that process has to be gone through to obtain an easement on private
29 property. Councilor Boyd stated an easement would be part of the negotiations. But if the landowner
30 chooses not to negotiate then they can choose not to give an easement on the property. Then the
31 eminent domain process would commence.

32
33 **Public Hearing** - None

34
35 **Legislative Updates from State Representatives** - None

36
37 **Town Manager's Report**

38
39 Preliminary plans to convert and renovate the old Shaw's plaza, a 40,000 square-foot facility located at
40 360 D.W. Highway, into an indoor track for electric go-kart racing called NH1 Motorplex will be
41 reviewed by the Zoning Board at their January 28th meeting for a special exception to allow commercial
42 recreation in the C-1 district.

43
44 **Consent Agenda** - None

45
46 **Old Business** - None

47
48 **New Business**

1
2
3 **1. Committee Appointment**

4 *Submitted by Town Council Chairman Nancy Harrington and Vice Chair Tom Mahon*

5 The Town Council to consider appointing the following recommended individual to a Town
6 committee, pursuant to Charter Article 4-8:

- 7
8 - **Lynn Christensen – Zoning Board of Adjustment (Full)**
9

10 Vice Chairman Mahon stated Ms. Christensen made application and has been interviewed. The
11 recommendation from the review committee is to appoint.
12

13 **MOTION made by Councilor Woods and seconded by Councilor Rothhaus to appoint Lynn**
14 **Christensen as a full member to the Zoning Board of Adjustment pursuant to Charter Article 4-8**
15

16 **ON THE QUESTION**
17

18 Councilor Boyd questioned whether a legal opinion was requested with regard to a member of the
19 Planning Board also serving on the Zoning Board of Adjustment (ZBA). Vice Chairman Mahon stated
20 it was. When asked, he stated he is comfortable with the appointment. The structures counsel suggested
21 that Ms. Christensen be reminded of are things she is aware of, e.g., if an application comes before the
22 ZBA and then the Planning Board., Ms. Christensen would recuse herself from Planning Board
23 deliberations. He continued by stating counsel prepared an extensive letter to address the question. The
24 2-3 items cautioned about rarely, if ever, occur in Town.
25

26 Councilor Dwyer stated his support of the appointment. He noted Ms. Christensen is the Town
27 Moderator, is currently a member of the Planning Board, and is stepping up to participate as a member
28 of the ZBA primarily because no one else did. He stated his appreciation of her efforts.

29 **MOTION CARRIED 6-0-0**
30

31 **2. Donation Acceptance for the Merrimack Police Department**

32 *Submitted by Captain Michael Dudash*

33 The Town Council to consider the acceptance and expenditure of a \$2,000 donation from the Digital
34 Federal Credit Union for the Merrimack Police Department's PACT (Police and Children Together)
35 Program, pursuant to Charter Article 8-15 and RSA 31:95-b.
36

37 Captain Michael Dudash, Merrimack Police Department, stated, for the second year in a row, the Digital
38 Credit Union has sent a \$2,000 check to the Merrimack Police Department with the hope the Town will
39 accept the donation for the purpose of funding the PACT program.
40

41 The PACT program is a hybrid program that replaced the DARE program. It is put on by Officer
42 Kelleher. It is conducted 1-2 days a week and teaches everything from peer pressure to resistance of
43 drugs, bullying, etc. to 5th grade students.
44

45 **MOTION made by Councilor Boyd and seconded by Councilor Rothhaus to accept and expend**
46 **the Two Thousand Dollar (\$2,000) donation from the Digital Federal Credit Union for the**
47 **Merrimack Police Department's PACT (Police and Children Together) Program, pursuant to**
48 **Charter Article 8-15 and RSA 31:95-b and furthermore that the Town Manager and/or her proxy**

1 **be authorized to sign any and all documents required to perfect the transaction. MOTION**
2 **CARRIED 6-0-0**

3
4 **3. Consideration of Tentative Agreement with the AFSCME 93, Local 2986 Union**

5 *Submitted by Town Council Chairman Nancy Harrington and Vice Chair Tom Mahon*

6 The Town Council will consider ratifying the tentative agreement for a one year contract with the
7 AFSCME 93, Local 2986 Union.

8
9 Town Manager Cabanel stated the American Federation of State, County and Municipal Employees
10 (AFSCME) contract is one that has been in negotiation for 5 years. The prior contract ended June 30,
11 2010. All other unions signed their contracts 2 years ago. They were three-year contracts and all
12 contained the same features. The first was that employees would get a \$1,500 year raise, which equates
13 to \$0.73/hour and that they would change their health insurance plan from a very rich plan, which varies
14 for different unions where some had a \$1 prescription plan. A concerted effort was made to get
15 employees to change the richness of their health insurance plan by offering the \$1,500. All other unions
16 signed their agreement and went to a lesser health insurance policy at a total savings of approx.
17 \$180,000. This union has also agreed to move to a similar health plan for next year.

18
19 The contract is a one-year contract. It proposes \$1,500 to each employee, which equates to \$0.73/hour.
20 The health insurance plan would change to a \$20 office visit, \$10/\$20/\$45 prescription co-pay and that
21 those employees currently paying 2% of their base wages towards their health insurance plan will now
22 be paying 10% of the premium. There will be a 1.5% step of longevity pay increase at 20 years, which
23 currently includes 4 employees.

24
25 The wage increase, which is the \$1,500 per employee, with associated benefits, totals \$72,834. The
26 steps, which are increases employees get for being employed for a certain period of time (after 6 months
27 step increase, after three years step increase, etc.) total \$97,411. The 1.5% step increase for employees
28 reaching 20 years of employment (4 individuals) totals \$3,206. Subtracting out savings in health and
29 dental contributions as well as premium costs of \$138,429, the net total cost for a one-year contract is
30 \$35,022 for 40 employees.

31
32 Councilor Boyd questioned the impact on the tax rate, and was informed it would be \$0.01.

33
34 **MOTION made by Councilor Boyd and seconded by Councilor Woods to ratify the agreement for**
35 **a one-year contract with the AFSCME 93, Local 2986 Union at a total cost of Thirty Five**
36 **Thousand Twenty Two Dollars (\$35,022.00), and that the Town Manager be authorized to execute**
37 **the contract as negotiated. MOTION CARRIED 6-0-0**

38
39 **MOTION made by Councilor Boyd and seconded by Councilor Woods to move the tentative**
40 **agreement for a one-year contract with the AFSCME 93, Local 2986 Union to the Town Warrant.**
41 **MOTION CARRIED 6-0-0**

42
43 **Minutes**

44
45 Approve the minutes from the January 8, 2015 Town Council meeting:

46
47 *The following amendments were offered:*

48
49 Page 14, Line 19; replace "letter" with "legal opinion"

1
2 **MOTION** made by Councilor Boyd and seconded by Councilor Koenig to approve the minutes of
3 the Town Council meeting conducted on January 8, 2015 as amended. **MOTION CARRIED 6-0-**
4 **0**

5
6 **Comments from the Press** - None

7
8 **Comments from the Public**

9
10 Gerald Martin, 81 Indian Rock Road

11
12 Questioned whether the Council has made a request of our Congressional Delegation for information
13 concerning what occurs when a pipeline comes to Town. He remarked FERC reports to Congress, and
14 is experienced in this area. FERC is responsible for a lot of regulation and for the permitting process.
15 Once they allow a permit the private company can pursue its intent in a for-profit economy. Kinder
16 Morgan is very profitable. FERC has a yearly budget of \$175 million. He asked that the Town Council
17 request the Congressional Delegation to get information from FERC about the for-profit companies in
18 this situation.

19
20 Vice Chairman Mahon stated the Council has made one request to Senator Shaheen for information
21 regarding the comment period and scheduling. It is a moving target; depends on when FERC approves a
22 certain stage then the clock starts to run. Senator Shaheen has been asked to provide information about
23 those kinds of deadlines and issues.

24
25 Mr. Martin requested the Council write to the Congressional Delegation requesting a more thorough
26 situation analysis of what occurs when a pipeline comes to town.

27
28 Gina Rosati, 15 Dunbarton Drive

29
30 Stated although the proposed pipeline is not intended for her backyard, after listening to the discussion
31 and reviewing available information, she wants to know the Town Council will not be seduced by tax
32 revenue, and that the Council will listen to the people. She remarked everything has happened quickly,
33 and citizens have just begun to have the conversations. She stated residents will be out in force on
34 Library Hill and at the Transfer Station with signs hoping to educate the citizenry. She stated the desire
35 to know the Town Council will back them up.

36
37 She stated the project will be damaging to the Town when all of a sudden D.W. Highway is closed
38 down, and work is being conducted on the river. She remarked there are a lot of residents on the line
39 who are concerned with explosions, etc.

40
41 Tim Tenhave, 72 Amherst Street

42
43 Noted he is the Chairman of the Conservation Commission; however, was speaking as a single member
44 of the Commission, as the issues he will address have not yet been discussed by the Commission as a
45 whole. He stated a desire to understand the timeline of the Council when it comes to the pipeline, and
46 what actions will take place. Currently the only deadline he is aware of is the March 18th deadline.
47 Until receiving further clarification that is the deadline he is working with. He intends, unless asked by
48 the Commission to do otherwise, to continue pushing forward with this as it impacts a significant
49 portion of the property the Commission oversees and is responsible for. The Commission needs to be

1 prepared. Given that, he felt the Council should know of his intent to ask the Commission if there is
2 interest in moving forward with an environmental impact study for the pipeline and the impact on our
3 properties. While studies have been done on the HHNP, they are outdated. This project has a different
4 tone/meaning, and those studies and the information available doesn't necessarily apply. Given all that
5 has occurred in the area, it is not the same place. When looking at the Gilmore Hill Memorial Forest
6 with its rare species and very unique habitats, no formal study has been done on that property except for
7 a forestry study, which is a very different animal.

8
9 He reiterated the need to be prepared. If the project is approved, as those folks start looking at where
10 placement will be, we need to provide them with adequate information and not rely on their experts.

11
12 Vice Chairman Mahon stated, as the Liaison to the Conservation Commission, he has kept the Council
13 apprised of the issues. When looking at the regulatory process, it is that kind of information that moves
14 things. He stated it to be something that we need to do or have done to take care of those particular
15 issues. There is the need to work with the Merrimack Village District (MVD) to help them deal with
16 their issues. He noted he has talked with the Town Manager about these pieces. A fair amount of
17 discussion has taken place around how the Town might proceed. The Town Manager has been working
18 hard in trying to deal with Kinder Morgan. They have promised to meet with the Council sometime in
19 early March.

20
21 Mr. Tenhave stated his understanding; however, noted that would be too late if answers were needed.
22 Vice Chairman Mahon stated his belief the requested extension will be granted.

23
24 Mr. Tenhave remarked, through RSA 36-A, the Commission is responsible for water resources in Town.
25 He believes the Commission will support more formal conversations with MVD to see where they can
26 work together.

27
28 Councilor Dwyer remarked there is a difference with the HHNP in that it was not donated land. This
29 Town purchased it with tax dollars. He commented he would think it would be the duty of the
30 Commission to request that environmental study. That would be a natural fit because of the nature of
31 the preserve. Mr. Tenhave stated he is pleased he sees it that way as he does as well.

32
33 Vice Chairman Mahon remarked a lot of this is preempted at the Federal level and those kinds of hooks
34 are our best effort to try and change minds about where they want to go and how they want to do it. Mr.
35 Tenhave responded Hollis did it, and we will too.

36
37 Carol Lang, 7 Wilson Hill Road

38
39 Remarked some questions that have been brought up require answers, e.g., mortgage issue, insurance
40 issue, etc. She stated she would be more comfortable if the Town could reach out to other communities
41 major pipelines have gone through to find out which issues were real and which were fears never
42 realized. Although she is hopeful the March 18th deadline will be extended, she wants to be prepared
43 just in case.

44
45 Don Miner, 82 Peaslee Road

46
47 Questioned, assuming March 18th is the deadline, does the Town Council have a plan? He noted he put
48 the question out on the Merrimack forum, and has not received a response. Vice Chairman Mahon
49 stated he has not looked at the forum in two years. The Council has not discussed a backup plan.

1
2 Mr. Miner questioned if the Council intended to wait to hear if the extension is granted or not and then
3 decide on a plan. Vice Chairman Mahon stated his belief the Council would not be waiting to see if the
4 extension request is granted or not. He and Councilor Boyd are the representatives to the group that is
5 meeting at the behest of the Town of Amherst. They are getting other towns together to form a
6 consortium. He has suggested to the Town Manager that Merrimack form a similar group internally
7 (staff task force) to deal with issues directly involved in this issue, and to coordinate with the
8 Conservation Commission, MVD, to bring the Assessor in to discuss this with the Council, etc. At this
9 time, that is the approach the Council is taking.

10
11 Mr. Miner asked if the presentation was posted on the Town website, and was informed it is not. Mr.
12 Miner commented a lot of residents are unaware. As an abutter, he has received two letters from Kinder
13 Morgan. Earlier in the day someone in a pickup truck with Kentucky license plates was parked across
14 the street from his residence taking pictures. No one has come to his residence and asked to survey. He
15 commented it is a little unnerving to have people taking pictures. When asked, he stated he got a license
16 plate number and contacted the Police Department. They do not have an answer yet.

17
18 Mr. Miner stated he also owns a farm. He is concerned as his well is about 30' from his property line
19 with Public Service (power line is right next door). His family has a great deal of money, blood, sweat,
20 and tears in this property.

21
22 He remarked if you google breaks in pipelines, it all happens on the welds (human error). He stated
23 concern if there is impact at a break there will be an explosion. If that were to happen in close proximity
24 to his home he could lose his house and his farm. Nine hundred feet from his home is Bates Road, on
25 which there are 3 residences that would be impacted.

26
27 He questioned how the Town would handle an explosive situation. Mr. Miner commented he spoke
28 with the Fire Chief earlier in the evening, and was told Engine 1 will not get up into the power lines.
29 Councilor Boyd has spoken of a forestry truck. It is broken down at the moment.

30
31 Vice Chairman Mahon remarked if the pipeline were to blow, it would be necessary to wait for the gas
32 to be shut off. Mr. Miner questioned how a fire would be put out. He provided the example of an
33 explosion occurring at the HHNP, where an acre of property could be engulfed. He questioned how that
34 would be put out. Vice Chairman Mahon commented on addressing hypotheticals. Mr. Miner noted an
35 explosion happened in Mississippi last week. It took 90 minutes to turn the gas off. Now you have 10
36 miles of pipe that will dissipate before they can come in here. How long will that take? Vice Chairman
37 Mahon responded he does not know.

38
39 Mr. Miner remarked he does not know either. As an abutter this directly affects him. God forbid it
40 happens up by the mall or in a bigger neighborhood. He questioned if his life or property is of any less
41 value than anyone else's. It is not a case of not in my backyard because it is in his backyard and he
42 doesn't want it. He didn't move in next to a gas pipeline, he moved in next to power lines. When trying
43 to sell his home 7 years ago he could not due to the power lines.

44
45 He is hoping the Council will really look into this and take into account the taxpayers, not just some
46 company out of Tennessee coming in and throwing money at the Town and moving on. He stated
47 Councilors asked to be in their positions, he does not envy their job, but expects them to do their job and
48 listen to the taxpayers.

1 Councilor Dwyer commented posting question to an Internet forum is not the way to gain answers. He
2 suggested residents seeking information contact the Town Manager's Office. Questions asked will be
3 answered within a proper timeframe.

4
5 Mr. Miner stated he wished to rebut. Councilor Dwyer remarked this is not a debate forum. He would
6 like to hear from everybody, but the intent is not to debate. Mr. Miner stated he had reached out to the
7 Council, and Councilor Dwyer was the first to return his call. This was early on in the process.
8 Councilor Dwyer noted he has not heard from him since that time. It was the comment about leaving a
9 question on the forum that he wished to address.

10
11 Mr. Miner continued, he spoke to Councilor Dwyer before Thanksgiving, and before putting a question
12 out on the forum he spoke to each Councilor individually. In that timeframe, Councilor Dwyer had
13 stated he had just learned of the project within the past two weeks, and that he was 100% behind the
14 project at that time. He questioned how a statement like that could be made without having any of the
15 information in front of him.

16
17 Councilor Boyd stated what he is 100% for is infrastructure in his country, region, and state. He didn't
18 have all of the details two months ago and does not have all of the details today. If his comments were
19 misinterpreted he will restate he is 100% behind infrastructure power in America. He would rather buy
20 American gas and oil than from Saudi Arabia or overseas.

21
22 He commented his previous conversation with Mr. Miner lasted about 20 minutes, and he cannot
23 remember all of the details, but that is how he remembers the discussion. Mr. Miner responded he said
24 he was 100% behind the pipeline.

25
26 Kristi Bradshaw, 54 Whittier Road

27
28 Stated her entire neighborhood is in the incineration zone. She has lived in Town her entire life, bought
29 her home 4 years ago, and just learned of this situation in the past few days. It doesn't seem like there is
30 information available. She spoke with multiple neighbors earlier in the day, and they knew nothing of
31 this. She questioned if members of the Council live in the incineration zone.

32
33 Vice Chairman Mahon stated he does not. Ms. Bradshaw stated she walked into the meeting with 5
34 minutes left and apologized for singling the Vice Chairman out, but the impression she received is the
35 members of the Council do not care. She stated there has been sarcasm, the Council has been
36 discrediting people who have been speaking, and she is sickened to think she lives in this Town and is
37 raising her family here, and this is the type of representation she is getting. No one that she has spoken
38 to in her neighborhood has been notified about this by Kinder Morgan. They are not aware of what is
39 going on. She stated her desire to know what the Council is doing for the taxpayers in this situation.

40
41 Vice Chairman Mahon responded he has explained the steps the Council has taken up to this point.
42 When first notified, the Council agreed it would not meet with Kinder Morgan in private. Everything
43 that has been received from Kinder Morgan has been put on the Town's website (at least two months
44 ago).

45
46 Ms. Bradshaw commented Vice Chairman Mahon had stated he has not been online to look at some
47 forum. Vice Chairman Mahon stated he has not visited the forum in two years because, in his opinion,

1 the forum is not the place to go. Ms. Bradshaw stated she also has not. She remarked living in Town
2 for as long as she has and purchasing her home four years ago she cannot tell the number of things she
3 had to sign for related to signage for the outlets, etc. That was a big deal for a lot of people. This is a
4 huge deal. We are talking about lives that can be lost, property values going down, etc. She commented
5 Councilor Rothhaus has stated he is not concerned about explosions; however, she is. Her children play
6 through those woods. Her house and every one of her neighbors are in that incineration zone. That is
7 very scary to her. She stated she plans to fight against this as she is not in agreement with this for her
8 Town or her neighbors, and she hopes the Council is on their side and will support them.

9
10 She remarked she is not a political person and has never engaged in anything political, but she will be on
11 board for this and needs to know what to do.

12
13 Carolee Dalton, 22 Joey Road

14
15 Stated although not an abutter, she is an interested party. She remarked it is quite apparent the proposed
16 pipeline would go through our wellhead protection area. Water is very important to the Town. She is
17 not familiar with actions the Town has taken, and questioned if the Council has taken an official position
18 for or against the project, and if not, at what point that would occur.

19
20 Vice Chairman Caron stated the Council has taken no formal position at this time.

21
22 Ms. Dalton questioned whether the Council plans to. She asked if there is a lot of information coming
23 in. She remarked she is not aware of how you fight this or agree with it, but would like to know the way
24 the Town will go; lay down and let them come through or take an approach like Hollis or Pepperell or
25 the areas in Massachusetts that have said we don't want this. She stated her understanding there is no
26 benefit for the Town unless just looking at it in terms of dollars. If residents can't tap into it or benefit
27 from a decrease in the cost of fuel what good is it for Merrimack? Why wouldn't we fight this and
28 protect the homes, property, water, and land we purchased? She asked the Council to take a position.
29 She stated the need for there to be a goal to go after, and asked if that is possible.

30
31 Vice Chairman Mahon responded at some point he is sure the Council will weigh in. He stated he
32 would not make a decision based on information from one side. He has a broader responsibility. Ms.
33 Dalton questioned responsibility to whom. Vice Chairman Mahon stated his responsibility to be to the
34 residents of the community to consider all issues involved, and based on that to try to make an informed
35 decision. He is trying to hear from Kinder Morgan. Some don't believe that or don't like them, the
36 Council's experience with them has not been very good, but he still needs to offer them the opportunity
37 to tell him what they are going to do and how they are going to do it.

38
39 He noted in his response to Mr. Tenhave's comments, he spoke of things we can and will do and looking
40 to determine the best options for the Town in dealing with this. He remarked as a political body the
41 Council is preempted in a lot of areas. As an example he spoke of Ms. Huffman appearing before the
42 Conservation Commission asking that the Town demand an environmental impact statement be
43 performed for the Town, which could not be done as it is preempted, which means the State and the
44 Federal Government have the responsibility for that not the Town Council. The Council cannot make
45 that request. When asked if the Council could push to get that information, Vice Chairman Mahon
46 stated the Council could get that information. When asked if there is a goal to pull all of the information
47 together, Vice Chairman Mahon stated that is what the Council is trying to do.

1 When asked if there are target dates, etc. Vice Chairman Mahon stated the Council has been trying to get
2 the target dates and have not yet received a direct response, which is why the Council looked to Senator
3 Shaheen's office for that information. The Council is looking to identify the timeline, how it flows, etc.

4
5 Ms. Dalton suggested the Council and/or Town Manager could pull something together so the residents
6 can at least have a feeling of whether the Town will fight this or let it go through. She requested a target
7 date for a decision to be reached. Vice Chairman Mahon stated that is what the Council is working
8 toward.

9
10 Carol Dipirro, 10 Cambridge Drive

11
12 Remarked one of the things concerning her is that the Council is not having good experiences with
13 Kinder Morgan. She questioned why the Town is obligated to let them try and do this. It sounds as
14 though they are already surveying land. If the Council is not able, could it provide guidance to the
15 citizenry as to what they can do. She questioned who the citizens of Merrimack should speak to.

16
17 Vice Chairman Mahon suggested a review of the Amherst Town website. He remarked he has been told
18 they have a very extensive compilation of information and advice on their website that deals a lot more
19 with that sort of advice. He remarked the Council is a governmental entity, and as such there is
20 sometimes a fine line in dealing with private relationships with other organizations, public or private
21 entities like Kinder Morgan or Tennessee Gas Pipeline. The Council can only do what the law allows.

22
23 Ms. Dipirro asked who citizens could go to. Vice Chairman Mahon stated citizens could write to the
24 Federal Energy Regulatory Commission, to the Congressional Delegation, contact the Governor, if
25 having environmental concerns they could be passed along to the New Hampshire Department of
26 Environmental Services in Concord. It was noted there is a State Site Evaluation Committee Kinder
27 Morgan can apply to for the need to sight this pipeline in the State. There is an extensive comment
28 period associated with that. That is a 15-month process, which does not start until they make
29 application. Part of the application requirement is that they have the FERC application. The FERC
30 process runs parallel to that. At some point toward the end of the process, FERC will hold an extensive
31 set of hearings, likely in the State, to seek public input.

32
33 Ms. Dipirro questioned if Merrimack is a re-route from an original plan, and was told that is the case.
34 She suggested if others resisted we should consider why. Vice Chairman Mahon stated the initial filing
35 from Kinder Morgan showed this route back in September. It was noted Plan A was going through
36 Massachusetts, and Plan B was through New Hampshire.

37
38 Councilor Dwyer noted some may be under the impression the Council had information beforehand and
39 there was some way it could respond. The Council found out like everybody else in Town and the State
40 when the newspaper announced the breaking story that the route was being offered through New
41 Hampshire. The Council had no prior knowledge from Kinder Morgan or anyone else.

42
43 Kathryn Pitten, 8 Rimmon Court

44
45 Stated she has lived in Merrimack for 22 years. She commented she is sensing a lot of urgency from the
46 residents but not from the Council, which she finds disturbing. She stated the need to feel that sense of
47 urgency from the Council. She questioned if Councilors would be able to step up to the plate and show
48 a sense of urgency and represent those who have elected them.

1 Vice Chairman Mahon responded the Council has been expressing urgency to Kinder Morgan for them
2 to show up here to explain their plans, and they have been dragging their feet. Councilor Dwyer
3 commented they did not like that the Council denied their private meeting request.
4 Ms. Pitten suggested one way of showing a sense of urgency would be by informing the citizenry
5 through the conduction of a town-wide meeting held at the High School with the same presentation that
6 was made this evening so that the people of Merrimack know what is happening.

7
8 When asked for his thoughts, Vice Chairman Mahon stated he would not speak for the Council as the
9 possibility has not been discussed. When asked about his personal impression, he responded he is
10 waiting to hear from the other side. Ms. Pitten commented we cannot wait for Kinder Morgan to act, we
11 need to act now. Vice Chairman Mahon stated there is nothing stopping her from going to the high
12 school, reserving the room, and having a meeting to present the same information presented this
13 evening. When asked if he would like to be present to answer questions, Vice Chairman Mahon stated
14 he would probably attend. Councilor Rothhaus stated he would be there.

15
16 Town Manager Cabanel stated her belief the most powerful thing the Town Council can do is to gather
17 factual information about Merrimack. What Mr. Tenhave is suggesting would be a powerful tool.
18 Kinder Morgan and the Federal Government are not going to react as strongly to individual towns and
19 their not wanting it. What they will react to is factual information such as issues surrounding wetlands
20 that can be attested to by a soil scientist or another expert. She stated the benefit of engaging
21 professionals to provide the Town factual information to utilize rather than individual people's
22 emotional reaction to the proposal. She reiterated that is the best thing the Town Council can do, and
23 the Council is very much in favor of gathering that data.

24
25 Ms. Pitten stated they are in favor of that as well. She commented she believes it would behoove the
26 Council, rather than directing residents to another town's website, that we have something here in
27 Merrimack. Councilor Boyd stated we do. Vice Chairman Mahon stated the website is easy to access.
28 There is no sense in duplicating what they have already done. Ms. Pitten questioned who, outside of
29 those who attended this meeting, will know to go visit that site. Vice Chairman Mahon remarked the
30 Amherst website contains a lot of information about how individuals can deal with the issue of eminent
31 domain, etc. He stated a link could be attached to the Merrimack website.

32
33 Vice Chairman Mahon stated the Council is concerned about the issue, and is trying to work in a
34 reasonable and orderly fashion to gather factual information to rebut the process that is going on. As
35 was stated earlier, the best hook we have to do that is to present that kind of factual information. Having
36 a sense of urgency and waving arms and ringing hands isn't going to get us anywhere as quickly as
37 solid information that we can present to them; factual information that is verifiable that they can look at
38 and say yeah it doesn't work there. As he sees it that is part of his function; to view this and work at it
39 in a methodical and logical fashion to try and fashion the arguments that we need to make at the State
40 and Federal level so that we can have an impact.

41
42 Ms. Pitto requested information on the timeline be relayed to the citizenry. Vice Chairman Mahon
43 reiterated the Council is working to get information on the timeline. When it is received it will be
44 posted.

45
46 Ann Hurley, 9 Majestic Lane

47
48 Remarked she lives off of Peaslee Road. The project would not be in her backyard, but close. She
49 stated concern with what she has read. She commented she has not taken a position on the issue as it is

1 just too early in the process. She is trying to gather facts as others are. However, the abundance of
2 information she has read to date is very disturbing; methane being released into the air, explosions,
3 Kinder Morgan having a record of not maintaining their facilities, etc.

4
5 She stated she has been a resident for more than 40 years. There will come a time when her home will
6 be placed on the market, and she has concern. Although that particular area of Town has good property
7 values, once interested parties do their research and discover the pipeline will be down the street and
8 through the HHNP, she will not be able to sell her home.

9
10 She questioned whether the intent is for Kinder Morgan to make a presentation to the Council. Vice
11 Chairman Mahon responded the Council has been requesting such a presentation. Ms. Hurley
12 questioned the venue, and was informed, if necessary, a different location could be utilized. Ms. Hurley
13 requested, if such a meeting is scheduled, that efforts be made to get the word out to the citizenry. Town
14 Manager Cabanel stated she has been assured Kinder Morgan is coming to Merrimack to make a
15 presentation and allow the public to pose questions. That has been stated to be slated for March.

16
17 Vice Chairman Mahon noted the following week would be one of Kinder Morgan's first public open
18 houses over at Hampshire Hills. Another open house is scheduled in Londonderry. Kinder Morgan had
19 suggested the Council attend the Londonderry meeting to which the Council responded that was
20 unacceptable and inappropriate. He stated his belief there is also an open house planned to take place in
21 Hudson.

22
23 Lea St. Laurent, 32 Currier Road

24
25 Stated she is a licensed realtor in Town, and can state this project would have a major impact on
26 property values. She spoke of closing on a property the following day, and her uncertainty of whether
27 the buyer is aware of the proposed project. She is concerned with what may transpire if they are. She
28 remarked several years ago when the outlets were proposed there was a lot of negative energy
29 surrounding the project. The outlets went in and purchased a lot of the homes in that neighborhood just
30 to avoid the negative publicity. She stated her clients who are selling now bought their property about 5
31 years ago from the outlets at a very good price, and now they are reselling. She stated there is no way
32 they would be able to sell it with the pipeline in their backyard. She stated property values will go down
33 no matter what.

34
35 Carol Lang, 7 Wilson Hill Road

36
37 Stated she was getting the impression the Town Council does not have a lot of leverage. On the other
38 hand she is hearing towns like Hollis and Pepperell have successfully fought this. She questioned what
39 methodology they used for their success and if Merrimack can learn from them.

40
41 Councilor Boyd remarked, to the best of his knowledge, the townspeople in Hollis were opposed to the
42 pipeline going through Beaver Brook, which is similar to the HHNP. They presented three alternative
43 routes for Kinder Morgan's consideration in lieu of running the pipeline through Hollis. Vice Chairman
44 Mahon commented at the meeting conducted in Milford the other night the Selectmen from Amherst
45 thanked them profusely for shifting the route up here.

46
47 The unidentified speaker commented it is likely the Conservation Commission will be the lead in
48 addressing any concerns.

1 She commented she does not know how to solve this, but there is an information vacuum in this Town.
2 The reality is people used to get their news from one of three local Merrimack newspapers. Now we
3 sort of have the Merrimack Journal. We used to get a lot through the Nahua Telegraph, but coverage
4 there is limited as is the number of people who read it. People used to get their information through the
5 Town forum, which sort of went by the wayside. She stated her belief the vast majority of people in
6 Town have no idea that this is even on the horizon and there is the need to find a way to ensure
7 awareness.

8
9 Michele Watson, 21 Whittier Road

10
11 Commented the only reason she is aware of the issue is because of Facebook. She spoke of her
12 experience when blasting occurred for the outlets despite being barely in the zone. She is in favor of a
13 Town-wide meeting and believes it would be wonderful if it were conducted by the Council. There is
14 the need for the citizens to feel the Council is working for them; something that is not felt in Whittier
15 Place.

16
17 Don Miner, 82 Peaslee Road

18
19 Questioned who would be responsible for granting permission to Kinder Morgan to survey the HHNP, a
20 Town owned property. Vice Chairman Mahon stated the Town or the Conservation Commission would.
21 Mr. Miner questioned if the intent is to grant permission for them to survey the property. Vice Chairman
22 Mahon stated that has not yet been decided.

23
24 Councilor Rothhaus remarked he normally holds his comments until after the public comment period
25 because it becomes a situation where you can go back and forth for hours. He remarked the Council has
26 not yet determined what it will do. He stated he personally would not want to let them go through, but
27 the Council has not had that conversation. In order for the Council to have that conversation it has to be
28 posted as an agenda item. The Council is waiting for the information to come forward.

29
30 He stated he is discouraged that speakers have expressed they think the Council is against them.
31 Perhaps it was because of his comments of not fearing explosions, etc. He stated he bases that on his
32 history with his folks having natural gas, understanding that is a smaller line not the 1,400 pounds, but it
33 is a gas line. His personal experience extends to his wife's family's history out in Pennsylvania. He has
34 not seen explosions and has not had that fear. He did not mean any harm towards anyone who is fearful.
35 He simply has not had that fear.

36
37 As far as getting information out, the Council talks about that at goal setting sessions all the time. The
38 Council talked about it when looking to educate the public on the bond request for the highway garage.
39 A better way is simply not known. This issue has been discussed during Council meetings. The Council
40 spoke of meetings it desires having with Kinder Morgan and the fact the Council did not want a non-
41 public meeting as it was believed inappropriate.

42
43 The desire is for a public meeting where townspeople could come and have those conversations with
44 them. Based on the reaction he felt, it was never heard by anyone here. He remarked he is really sorry
45 that people feel that way because he does not believe it true of the Council. The Council has not had the
46 conversation so it cannot speak of a vote.

1 Mr. Miner remarked it appears as though the Council believes there is not a lot it can do until it hears
2 from FERC. He understands and appreciates that. What he is asking for is stalling them by not
3 allowing them to survey.

4
5 Councilor Dwyer remarked that is not true. Mr. Miner questioned they can just survey at will, and
6 stated, as an abutter, he can state they will not be surveying his property. Councilor Dwyer responded
7 they will, they have the legal right. The surveyors in America do not need a Warrant to step on
8 someone's land/private property. Mr. Miner remarked his attorneys have told him otherwise. Councilor
9 Dwyer commented surveying crews in America do not need permits to enter private property for
10 surveying matters.

11
12 Mr. Miner addressed Councilor Dwyer stating his comments to him continually reassure those watching
13 he is 100% behind the pipeline. Councilor Dwyer remarked you had a question you said you wanted an
14 answer to, then I give the answer, but you don't like the answer.

15
16 Councilor Boyd stated his father is a registered land survey in the Commonwealth of Massachusetts, has
17 done it for 40 years, and never had to get a permit. Mr. Miner responded because he probably went up
18 and asked nicely rather than taking pictures from across the street. Councilor Boyd stated his father has
19 done residential neighborhoods as well as 100-acre parcels in the middle of God's country and has never
20 once had to get a permit. The only thing he carries is sugar cubes in one pocket and dog biscuits in the
21 other. Mr. Miner stated his understanding, and that they will need a permit for 82 Peaslee.

22
23 Gina Rosati, 15 Dunbarton Drive

24
25 Stated New Hampshire is not really known for earthquakes; however, if you look at the earthquake
26 today you will notice there are enough earthquakes that the Library felt compelled to ask the Town for
27 money so that they could buy a seismic graph. She remarked she is a little concerned that we do have
28 earthquakes that will contribute to the deterioration of this pipeline. Also if you have been reading the
29 paper you know Boston is experiencing enough leaks that they have determined the need to look at their
30 pipelines. This gas will not be scented so we won't know if there are leaks or not. Hopefully Kinder
31 Morgan will be taking care of the pipeline.

32
33 She stated anyone interested in purchasing a sign can do so from Amanda Yonkin at a cost of \$6 each.
34 She pointed out she will be gathering people to meet at Library Hill and at the Transfer Station. Anyone
35 wishing to join her should follow the Facebook page.

36 37 **Comments from the Council**

38
39 Councilor Woods stated his opinion the worst mistake any citizen of Merrimack could make is to leave
40 the meeting thinking this Town Council does not have their concern in the forefront. Whether or not the
41 Council acts in concert with the hoped for outcomes will be seen in the near future.

42
43 He remarked he is new to this Council, but not to public service in Merrimack. He stated his belief the
44 service that becomes a group that is trying to do the right thing for themselves is that remarks are made
45 to this Council that are summarily inaccurate. The Council has been discussing this not as an agenda
46 item so that we can take action but we have been aware of the pipeline, Kinder Morgan's pro side, know
47 there will be opposition, etc. The Council is working it as best it can and in a manner, in his opinion,
48 that will accomplish at least some of the positive goals asked for tonight.

1 He asked citizens to be patient, believe in the Council, and go on as good citizens of Merrimack have in
2 the 45 years he has been in Town.

3
4 Councilor Koenig echoed Councilor Wood's comments. He remarked some have made an accusation
5 the Council is non-reactive or non-interested, and have even made the statement the Councilors are all
6 looking for dollar signs and not interested in the people in this Town. He stated he can assure them, at
7 least from his seat that is the furthest from the truth. He was unaware there was a potential tax impact to
8 the Town until it was presented tonight. That money means nothing to him as far as this Town is
9 concerned. It is trivial. If they came in talking about millions of dollars and what they were going to do
10 to our infrastructure in the Town and what they were going to do to protect our citizens he would be
11 much more interested in listening to what they have to say.

12
13 He remarked don't for one moment think that the Council is sitting back thinking we will get \$400,000
14 and don't care about anybody in Town and whether they are in a blast zone or not, that is not true.

15
16 This Town Council is hogtied as far as what it can do in the long term. The Planning Board is not going
17 to get an opportunity to review site plans because that will be handled by the State Site Evaluation
18 Committee, we don't have authority to say yes or no; that will be done by FERC or some other
19 organization. The Council will do what it can and will continue to look at and make as much
20 information available to the general public as it can. All information received to date has been made
21 available to the public on the website. The idea of putting the presentation on the website as a link is a
22 good idea as is the idea of linking to Amherst's website is a great idea.

23
24 He asked the viewing audience to please not go away from the meeting thinking the Council is
25 insensitive to the citizens of this Town and have for some reason no interest in being concerned with
26 what is going on in this Town. We do, that is why we give of our time to be on this Council to help out
27 with what is going on in our Town.

28
29 Vice Chairman Mahon remarked most contractors that deal with these processes and have to go through
30 FERC because of Federal Statutes, feel that State involvement in this is not something that they have to
31 participate in because the State has no control over the issue. If they wanted to bypass the Site
32 Evaluation Committee for the State they could do so. They usually don't, but they don't consider it to
33 be something that they have to do.

34
35 At the meeting, the briefing that was provided from the attorney (at the Nashua Regional Planning
36 Commission (NRPC)) stated there to be a few things to keep in mind; that the representative from the
37 Attorney General's Office may not at all be interested in your concerns because they are required by law
38 to consider the impact on the entire State. The other part of it was they don't have to participate in the
39 process if they don't want to. If they provide a recommendation they can give it to FERC and FERC is
40 not bound by it and doesn't have to rely on it. They can approve the project regardless of what the State
41 Site Evaluation Committee might have to say about it. However, it is a place for citizens to voice their
42 legitimate concerns, e.g., safety issues, property value issues. All of those things are things the general
43 public can comment on during this process.

44
45 He suggested the bigger that record gets with that kind of factual information the more difficult it is for
46 them to make those decisions. He commented part of the difficulty with the State process is that it
47 begins after the Federal process as the FERC application has to be part of the application to the State.

MOTION made by Councilor Koenig and seconded by Councilor Woods to adjourn the meeting.
MOTION CARRIED 6-0-0

The January 22, 2015 meeting of the Town Council was adjourned at 9:17 p.m.

Submitted by Dawn MacMillan

DRAFT